

DISTRICT JUDGE'S MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – PHOENIX

U.S. District Judge: Douglas L. Rayes

Date: February 1, 2023

USA v. David Allen Harbour

Case Number: CR-19-00898-001-PHX-DLR

Assistant U.S. Attorney: Kevin Rapp and Coleen Schoch

Attorney for Defendant: Stephen Dichter and Justin Vanderveer, Retained

Defendant: ☒ Present ☐ Not Present ☒ Released ☐ Custody ☐ Summons ☐ Writ

JURY TRIAL (Day 1):

8:32 a.m. Convene. Counsel present with defendant. Jury not present. Discussion held regarding the anticipated trial schedule. Defendant invokes the rule of exclusion of witnesses.

8:42 a.m. Recess.

9:02 a.m. Reconvene. Parties present. Jury panel present and sworn. Voir dire commences.

10:20 a.m. Jury panel excused for break. Court remains in session. Strikes for cause and hardship discussed. Jurors 3, 5, 6, 7, 11, 19, 27, 34, 37, 42, 44, and 48 excused for cause or hardship.

10:35 a.m. Court is in recess while the parties make their peremptory strikes.

12:29 p.m. Reconvene. Parties present. Jury panel present. Jurors 1, 8, 10, 12, 13, 14, 16, 23, 24, 25, 26, 30, 33, and 35 called forward and seated as trial jurors. Remaining jury panel is excused. Jury sworn. Preliminary instructions read to the jury.

12:54 p.m. Government's opening statement.

1:35 p.m. Jury excused for break. Court remains in session. Discussion held regarding the admissibility of FTC evidence. The Court affirms its previous ruling on this issue.

1:37 p.m. Recess.

1:55 p.m. Reconvene. Parties present. Jury present. Defendant's opening statement.

2:48 p.m. **Government's case:** Pam Case sworn and examined on direct examination. Exhibits 519 and 521 admitted.

3:24 p.m. Recess.

3:41 p.m. Reconvene. Parties present. Jury present. Cross examination of Pam Case.

4:09 p.m. Redirect of Pam Case.

4:11 p.m. Jury excused. Court remains in session. Discussion held regarding Defendant's Motion to Strike Government Expert Jeanette Paige (Doc. 580). For the reasons stated on the record, the motion is DENIED.

4:13 p.m. Court is in recess until 9:00 a.m. on February 2, 2023.

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Court Reporter: Jennifer Pancratz

Deputy Clerk: Robert Vasquez

JT: 4 hrs 52 min

Start: 8:32 AM

Stop: 4:13 PM